

Domestic Relations Committee
Judicial Conference of Indiana

Minutes
April 20, 2001

The Domestic Relations Committee of the Judicial Conference of Indiana met in Indianapolis, Indiana on Friday, April 20, 2001 from 10:30 a.m.-3:00 p.m. at the Indiana Judicial Center in Indianapolis.

1. Members present. Lorenzo Arredondo, Robert R. Aylsworth, Thomas J. Felts, E. Michael Hoff, William C. Whitman, and Daniel F. Donahue, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Cynthia K. Booth and Julie Petty, Child Advocates; Dr. Steve Ross and John Musgrave; Irene Spindler; Francie Hill; and Robert Monday, PACE was also present.
4. Minutes approved. The minutes for the meeting of the committee on March 16, 2001 were approved.
5. Mediation.
 - a. Irene Spindler, Mediator, Allen County Circuit Court explained “transformational mediation” to the committee. She said it may be explained as follows: Disputes can be viewed not as problems, but as opportunities for moral growth and transformation. Growth occurs in 2 dimensions: (1) Strengthening self through realizing and strengthening one’s capacity for dealing with difficulties by engaging in conscious and deliberate reflection, choice and action and (2) reaching beyond the self to relate to others through realizing and strengthening one’s capacity and consideration for others especially those whose situation is different from one’s own. This model is to transform persons from fearful and self-centered to responsive and caring. In civil mediation, one tries to solve one problem at a time. Therapists are more comfortable with this transformational mediation technique. She distributed information about this technique first used with postal employees. She has completed 5-10 of these mediations a year, at \$100.00 per hour, taking 4-8 hours each. Magistrate Felts reported a control group study of mediator cases from 1999 is underway. He indicated that about 150 or so of these mediations have occurred in Allen county.
 - b. Cynthia K. Booth, Executive Director, Child Advocates and Julie Petty, Permanency Mediator spoke next. Their mediation project is for CHINS cases that have been sent to Termination of Parental Rights, but have not been heard by the Termination court judge. Since most “settle” the day of trial, they decided to try the mediation approach to get to termination faster. She distributed forms used in this program. All parties volunteer to use this process. She received a grant of \$40,000 for the Julie’s salary, laptop and miscellaneous expenses for this new project. One mediation has been conducted. Julie Petty said it takes about 3 hours of preparation for one mediation.
 - c. Francie Hill, Supreme Court Family Court Pilot Project distributed materials from the focus groups conducted by Mr. Jeff Kuhn in March. She found the following categories and comments from the focus groups: (1) safety issues; (2) legal concerns; (3) service issues; (4) case flow management; (5) need for more low cost mediation, screening to ensure the case is ripe for mediation and ADR; and (6) need for more judicial and attorney training on family dynamics and legal issues.

d. Dr. Steve Ross distributed proposed guidelines for a standard custody evaluation for Indiana. He chairs a task force of the Indiana Psychological Association that sees the need for a standard evaluation because of increased complaints against child custody evaluators. He distributed the American Psychological Association Guidelines, American Family and Conciliation Courts guidelines, and an article in this area. He wanted to know what information would be helpful to judges in these reports. The committee urged him to circulate this or a revised draft to the Family Law Section of the ISBA for comment, and other child psychologists. They agreed to distribute a final draft to all judges for comment.

e. Judge Arrendondo gave a review of the development of the Lake County Domestic Relations Bureau. He said they handle supervised visitation, make referrals for custody evaluations, and they have begun a program to train attorneys as mediators in exchange for 3 pro bono mediations.

f. Judge Whitman gave a brief overview of the South Bend Domestic Relations Counseling Bureau. They complete custody evaluations and do supervised visitation.

g. Mr. Bercovitz distributed a notebook to hold all mediation materials distributed to the committee.

6. Recent legislation. Mr. Bercovitz distributed SB 569, permitting the use of bonds in support and visitation cases. He reported that Sen. Ford had called and asked for the judge's thoughts about the requirement for clear and convincing evidence and findings of fact and conclusions of law now in the bill. The committee liked the permissive use of the statute, and urged Sen. Ford to contact the Family Law section of the ISBA about the legislation. The committee had no problems with the proposal.

7. Next meeting dates. The members of the committee agreed to meet again from 10:30 a.m. - 4:00 p.m. at the Indiana Judicial Center on Friday, July 20, August 17, September 12, and October 19, 2001, all from 10:30 a.m. - 4:00 p.m. at the Indiana Judicial Center except Sept. 12, which would be on Wednesday from 10:00 - 12:00 Noon in conjunction with the Judicial Conference. They agreed to meet on Friday, January 18, February 15, March 15, April 19, May 17, July 19 and August 16, 2002 from 10:30 a.m. - 4:00 p.m. at the Judicial Center

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law